

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
D E P A R T M E N T O F H E A L T H



Safe and Healthy Lives in Safe and Healthy Communities

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

No. C95-196

In the matter of:
Marvin Chernow, M.D.

CONSENT ORDER

Pursuant to R.I.Gen. Laws §5-37-5.2, 1956, as amended, (1995 Reenactment) complaints were filed with the Board of Medical Licensure and Discipline (hereinafter referred to as the "Board") charging Marvin Chernow, M.D., Respondent, with violations of §5-37-5.1. An investigation was conducted by an Investigating Committee, so called, of the Board. Dr. Chernow was interviewed by the Committee and several statements were filed by or on behalf of Dr. Chernow in order to assist the Committee and the Board with its investigation.

The following constitutes the Investigating Committee's Findings of Fact with respect to the professional performance of the Respondent.

Findings of Facts

1. The Board received notification from a variety of sources including Dr. Chernow's liability insurance carrier that a number of claims had been instituted against him and others concerning alleged failures to make appropriate diagnosis from cytology and surgical pathology specimens submitted to the Newport Hospital Laboratory while the Respondent was the director of the laboratory.
2. The Respondent retired from the practice of medicine in 1993.
3. The Respondent submitted a letter to the Board of Medical Licensure and Discipline dated January 6, 1995 informing the Board that he was retired from the practice of medicine and would not seek renewal of his allopathic medical license.
4. During the course of the committee's investigation, the Respondent, through counsel, notified the Board that his medical condition would prevent him from resuming the practice of medicine.
5. The Board finds that the Respondent's medical conditions prevent him from practicing medicine with that degree of skill and safety required of a physician in his specialties.

Based upon the forgoing considerations, the parties agree as follows:

- (1) The Respondent is a physician licensed to practice medicine under and by virtue of the Laws of the State of Rhode Island, allopathic license No. MD3676. The Respondent's license to practice medicine lapsed on February 2, 1995.
- (2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.

(4) Respondent hereby acknowledges and waives:


- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(5) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing

be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee votes in favor or finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.


- (6) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.
- (7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
- (8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- (9) The Respondent voluntarily agrees not to seek renewal of his license to practice medicine in the State of Rhode Island.

Signed this 20th day of December, 1999.


Marvin Chernow, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on

January 12, 2000
~~1999~~


Patricia A. Nolan, MD, MPH
Director of Health
Chairperson, Board of Medical Licensure and Discipline